



Town of Loxahatchee Groves

Regular Meeting February 2, 2010 at 7:00 p.m.

MINUTES

Loxahatchee Groves Water Control District
101 West "D" Road, Loxahatchee Groves

Frank R. Spence, Town Manager
Ann Harper, Town Clerk
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.

OPENING - AGENDA ITEMS 1 - 5

Mayor David Browning called the meeting to order at 7 pm. In addition to Mayor Browning, the following were present: Councilmen Ron Jarriel, and Ryan Liang, and Vice-Mayor Dennis Lipp. Councilman Bill Louda arrived at 7:05 p.m. Present from staff were Frank R. Spence, Town Manager; Mike Cirullo, Town Attorney, and Ann Harper, Town Clerk.

Roll call was followed by the Pledge of Allegiance and Invocation.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve the Agenda. The motion carried by voice vote, 4/0.

There were no additions to the Agenda.

CONSENT AGENDA

- 6) **Approval of January 5, 2010 Town Council Meeting Minutes** Approval
- 7) **Approval of Court Reporting Service Invoice for Executive Session 12/1/09** Approval

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve the Consent Agenda. The motion carried by voice vote, 4/0.

Councilman Louda arrived at the meeting at 7:05 p.m.

PUBLIC HEARING

- 8) **Ordinance 2010-001 - Second Reading** Approval

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN EXTENSION OF THE MORATORIUM ENACTED PURSUANT TO THE TOWN OF LOXAHATCHEE GROVES ORDINANCE NO. 2007-07, CONSISTENT WITH THE TOWN CHARTER, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN; PROVIDING ADDITIONAL EXEMPTIONS TO THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING FOR AN EFFECTIVE DATE.

Mr. Spence read the title of the Ordinance.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Ordinance on second and final reading.

There was no discussion by Council members.

Mayor Browning opened the Public Hearing.

John Ryan referred to Section 3, paragraph 22, and asked whether or not it is anticipated that amendments to the Comprehensive Plan will be filed. Attorney Cirullo responded to his questions.

There were no more speakers, and the Public Hearing was closed.

Mayor Browning called for a roll-call vote on the motion to approve the Ordinance, as follows:

AYES: Councilmen Jarriel, Liang, and Louda, Vice-Mayor Lipp, and Mayor Browning.

NAYS: None.

RESOLUTIONS

9) Resolution 2010-003 - Supporting Roebuck Road extension

Approval

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA URGING PALM BEACH COUNTY TO IMMEDIATELY COMMENCE AND COMPLETE CONSTRUCTION OF THE ROEBUCK ROAD EXTENSION THROUGH TO JOG ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence said after the presentation at the last meeting, Council authorized the Attorney to prepare this Resolution representing the Town's position.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Louda, to approve the Resolution. The motion carried by voice vote, 5/0.

10) Resolution 2010-004 - Opposing the approval of oil drilling in Florida's waters

Approval

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, OPPOSING THE APPROVAL OF OFFSHORE OIL DRILLING IN AND AROUND FLORIDA WATERS OTHER THAN THOSE ALREADY APPROVED FOR OIL LEASING AND OIL EXPLORATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence said this was placed on the agenda at the request of one Council member. The subject will come before you for discussion, and then you will authorize the Attorney to prepare the Resolution.

Mayor Browning said this Resolution is the result of a letter from other Mayors who are opposed to proposed drilling. After Council discussion, the Mayor asked for comments from the public.

Elise Ryan spoke in opposition to the Resolution.

John Ryan said Resolutions like this should be more individualized.

Frank Schiola agreed with John Ryan that this affects towns on the West coast of florida.

No action was taken on this agenda item.

COMMITTEE REPORTS

11) Intergovernmental Meeting Report *(Mayor Browning)*

- a) Consideration of changing IGC meeting schedule to every other month

Mayor Browning said the Committee discussed the joint purchase of a defibrillator for the meeting chambers. They also discussed resident education and policy on non-district Town roads; a criteria needs to be worked out. The third subject discussed was recommendation to reduce the IGC meetings to every other month. Mayor Browning asked Clete Saunier, District Administrator, for his comments.

Mr. Saunier recommended that the Committee continue monthly meetings to work on non-district roads and Town road policy development.

Motion was made by Councilman Louda, seconded by Vice-Mayor Lipp, to approve the joint purchase (with the Water Control District) of a defibrillator unit to be placed in the meeting chambers. The motion carried by voice vote, 5/0.

Public Comments:

John Ryan said Ken Johnson has an aerial map of the Town which is marked with all road names. The map shows driveways and landmarks which can be used as a basis for road identification.

Frank Schiola said the defibrillator units now have a unit which dials 911 and sends an automatic message.

Next meeting of the IGC will be Friday, February 19, 4 pm to 5 pm.

REGULAR AGENDA ITEMS

12) Discussion of pain clinics moratoria by Palm Beach County *(Councilman Louda)*

Mr. Spence said that Palm Beach County issued multiple proposed ordinances because most of the cities are inquiring how they can put a moratorium on these pain clinics.

Attorney Cirullo said the County is changing its code and they have also proposed an ordinance to place a moratorium on pain clinics. The ordinance will apply only to unincorporated areas. He asked for Council direction, such as giving direction to bring back an ordinance which could be for "zoning in progress."

Councilman Louda said since we are so close to Palms West Hospital, we should look into this. He said we may want to be "tougher" than the County.

Vice-Mayor Lipp said he wants to see what the other areas come up with and report at the next meeting.

ADMINISTRATIVE UPDATE

13) Administrative Update

- a. Census signs - Mr. Spence said he has ordered fifty bi-lingual census signs, the same size as the flu shot signs. He also ordered covers for the large "A" frame signs.

- b. Update on Donna Brosemer Debt – As directed by the Council, Attorney Cirullo sent a letter requesting repayment. He received a fax from Miss Brosemer saying she disagreed with the letter and considers the matter closed. He will not ask for direction at this time but will bring it up again at the next meeting.

Public Comments:

Jim Rockett offered the services of the Finance Committee to collect the money.

c. Election Update

Report

Mr. Spence said that the qualification period for candidates closed at noon today, and only two candidates filed, Dave Browning for Seat 4 and Jim Rockett for Seat 2. There were no other filings, so the Town will not have to go to the expense of holding an election on March 9th. Under the Charter, both candidates will be sworn into office at the first regularly scheduled meeting following the election date, which will be March 16th. Dr. Louda will remain in office until that time.

d. Lot Clearing

Mr. Spence said it was called to his attention that the owners of a lot on C Road are clearing the land and stacking up the trees. They have a burn permit from the County. He called ERM in hopes of getting some help from them, but they do not do any enforcement in incorporated areas, and less than ten acres can be clear cut. The Forestry people have been notified and have inspected the site. The owners have put in an application to put cattle on the land. He said he will be keeping an eye on this property.

Mr. Spence said he recommends that Attorney Cirullo attend the workshop which will follow this meeting, but he cannot attend without Council consent.

Motion was made by Councilman Louda,, seconded by Councilman Jarriel, to authorize the Town Attorney to attend the Workshop which follows this meeting. The motion carried by voice vote, 5/0.

CLOSING COMMENTS

15. Public Comments

Frank Schiola (1) urged the Council to stop the damages to the property that was just discussed; (2) suggested the Town purchase a programmable sign at a cost of \$17,000 and share the cost with the Water District; (3) said the people planning the local school carnival plan to have a dunk tank and are looking for a politician to volunteer to be dunked' (4) the recent incident of radiation in trash was probably a medical waste issue.

Marge Herzog said the next Census meeting will be February 11th. Regarding the Chamber of Commerce building, Mrs. Herzog said the owners agreed to a one-acre lease, and their American Legion building is a permitted conditional use.

16. Town Attorney Comments – Attorney Cirullo requested the Council hold another Executive Session on Wednesday, February 10 at 5 pm related to the Callery-Judge lawsuit.

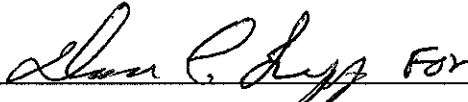
17. Town Council Member Comments –

Councilman Jarriel congratulated Mayor Browning and Jim Rockett for being unopposed candidates.

Councilman Liang said the Town should have banners and/or signs that could be used when Council members participate in local events, such as the recent parade or when the Town has a booth at the Fair.

18. Adjournment

There being no further discussion and no additional public comment , the meeting was adjourned at 8:20 p.m.

 For March 2, 2010
DAVID BROWNING , Mayor *David Browning* Date Council Approved

Attest:


Ann Harper, Town Clerk

**A PUBLIC WORKSHOP ON NON-
CONFORMING BUSINESS USES
WILL BEGIN IMMEDIATELY
AFTER ADJOURNMENT OF THE
REGULAR COUNCIL MEETING**